



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

February 08, 2011

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

27 February 8, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION
OF EQUESTRIAN AND HIKING TRAIL EASEMENT SOUTH OF
ARTESIA BOULEVARD
IN THE CITY OF LONG BEACH
(CONDITIONAL)
(SUPERVISORIAL DISTRICT 4)
(3 VOTES)**

SUBJECT

This action will allow the County of Los Angeles to vacate an easement for equestrian and hiking trail purposes south of Artesia Boulevard in the City of Long Beach, which is no longer needed for public use. The vacation has been requested by the underlying property owners in order to remove the encumbrance of the easement from the property.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this action is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that the easement for equestrian and hiking trail purposes south of Artesia Boulevard in the City of Long Beach has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and that it may, therefore, be vacated pursuant to Section 8333(a) of the California Streets and Highways Code.
3. Find that the easement for equestrian and hiking trail purposes south of Artesia Boulevard in the City of Long Beach has been superseded by relocation and there are no other public facilities located within the easement and that it may, therefore, be vacated pursuant to Section 8333(c) of the

California Streets and Highways Code.

4. Find that the easement for equestrian and hiking trail purposes south of Artesia Boulevard in the City of Long Beach is not useful as a nonmotorized transportation facility as required by Section 892 of the California Streets and Highways Code.
5. Adopt the Resolution of Summary Vacation.
6. Upon approval, authorize the Department of Public Works to record the certified original resolution with the office of the Los Angeles County Registrar Recorder/County Clerk.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to find that the project is categorically exempt from the California Environmental Quality Act (CEQA) and allow the County of Los Angeles (County) to vacate the easement for equestrian and hiking trail purposes (Easement) south of Artesia Boulevard in the City of Long Beach, since it no longer serves the purpose for which it was dedicated and is not required for public use after the condition stated hereon has been met to the satisfaction of the Department of Public Works.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The vacation of the Easement will result in added revenue through assessment and taxation and reduce the County's exposure to potential liability.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The vacation of the Easement will not have a negative fiscal impact on the County's budget. The applicant has paid a \$1,500 fee to defray the expense of the investigation. This amount has been deposited into the Road Fund. The fee was authorized by your Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321(d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 35,380 square feet and is shown on the map that is attached to the enclosed Resolution of Summary Vacation. As a condition of this vacation, Robert Kirkpatrick and Gregg Kirkpatrick, the underlying property owners, will be dedicating an area of approximately 23,738 square feet to the County as an easement for equestrian and hiking trail purposes.

The California Streets and Highways Code Sections 8333(a) and (c) provide that the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation or the easement has been superseded by relocation and there are no other public facilities located within the easement.

The Easement is not useful as a nonmotorized transportation facility as defined in Section 887 of the California Streets and Highways Code.

The County's interest in the Easement was recorded on February 27, 1950, as Instrument No. 3992, in Book 32392, page 275, of Official Records, in the office of the Los Angeles County Registrar-Recorder/County Clerk as an easement for equestrian and hiking trail purposes.

Joseph Dzida, on behalf of the underlying property owners, Robert Kirkpatrick and Gregg Kirkpatrick, requested the vacation to remove the encumbrance of the Easement from the property. The vacation will be subject to the condition of dedicating an easement for equestrian and hiking purposes in the location currently being utilized by equestrian and other trail users. Also, the condition to dedicate a replacement easement for equestrian and hiking trail purposes will provide the County with necessary rights over the existing equestrian and hiking trail. The existing trail is maintained by the Department of Parks and Recreation and is adjacent to the Los Angeles River, which is within a Los Angeles County Flood Control District easement.

Adoption of the enclosed resolution and the subsequent recordation will terminate the County's rights and interests in the Easement. Your action will result in the property being unencumbered by the Easement and available to the underlying fee owners for use without restriction of the Easement.

ENVIRONMENTAL DOCUMENTATION

This action is categorically exempt from the provisions of CEQA as specified in Sections 15305 and 15321 of the State CEQA Guidelines, which state that this class of projects consisting of minor alterations in land use, limitations and actions to revoke entitlement for use, issued and adopted by the regulatory agency, have been determined not to have a significant effect on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will allow the unnecessary equestrian and hiking trail easement to be extinguished and a replacement easement to be dedicated for the existing trail maintained by the Department of Parks and Recreation. The residents of the nearby County unincorporated area and cities will benefit and their quality of life will be further improved.

CONCLUSION

Please return one adopted copy of this letter and one original and one copy of the resolution to the Department of Public Works, Survey/Mapping & Property Management Division, together with a copy of your Board's minute order. Retain one original for your files.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid, with the first name "Gail" and last name "Farber" clearly distinguishable.

GAIL FARBER
Director

GF:SGS:mr

Enclosures

c: Auditor-Controller (Accounting Division - Asset
Management)
Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

**RESOLUTION OF SUMMARY VACATION
OF AN EQUESTRIAN AND HIKING TRAIL EASEMENT SOUTH OF ARTESIA
BOULEVARD (CONDITIONAL)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The County of Los Angeles is the holder of easement for equestrian and hiking trail purposes (hereinafter referred to as the Easement) in, over, and across the real property legally described in Exhibit A and depicted on Exhibit B, both attached hereto. The Easement, south of Artesia Boulevard, is located in the City of Long Beach in the County of Los Angeles, State of California.
2. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
3. The Easement has been superseded by relocation and there are no other public facilities located within the easement.
4. The Easement is not useful as a nonmotorized transportation facility as defined in Section 887 of the California Streets and Highways Code.
5. The Easement is hereby vacated pursuant to Chapter 4, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8330.
6. The vacation of the Easement is conditioned upon the underlying property owner dedicating a replacement easement for equestrian and hiking trail purposes over the existing trail. This condition must be met to the satisfaction of the Department of Public Works within one year of the date this resolution is adopted by the Board of Supervisors or the vacation will terminate and become null and void.
7. Upon the satisfaction of the condition specified in paragraph 6, above, the Department of Public Works is authorized to record the certified original resolution in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, at which time the Easement will no longer be a public easement.
8. From and after the date this resolution is recorded, the Easement will no longer constitute a public service easement.

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The foregoing resolution was on the 8th day of February, 2011, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

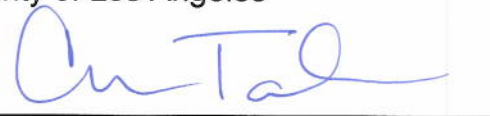
ANDREA SHERIDAN ORDIN
County Counsel

By


Deputy

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By


Deputy

GT:mr

P:\MPPUB\ADMIN\MARIA\RESOLUTION\ARTESIA BLVD ENCLOSURE



EXHIBIT A

Project Name: **TRAIL SOUTH OF ARTESIA
BOULEVARD 9-9VAC**


Affects: Los Angeles River
Parcel Nos. 92, 93, 94 & 95
A.I.N. 7115-027-014
T.G. 735-D7 & 765-D1
I.M. 054-217
R.D. CITY OF LONG BEACH
S.D. 4
M0988102

LEGAL DESCRIPTION

PARCEL NO. 9-9VAC (Vacation of equestrian and hiking trail easement):

Those portions of Lots I, II and III, all of Hellman Tract, as shown on map recorded in Book 2, pages 524 and 525, of Miscellaneous Records, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, described in deed to the County of Los Angeles, recorded on February 27, 1950, in Book 32392, page 275, of Official Records, in the office of said Registrar-Recorder/County Clerk.

Total area of PARCEL NO. 9-9VAC containing: 35,380± square feet

APPROVED AS TO DESCRIPTION
<u>December 14, 2010</u>
COUNTY OF LOS ANGELES
By <u></u>
SUPERVISING CADASTRAL ENGINEER III Survey/Mapping & Property Management Division

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

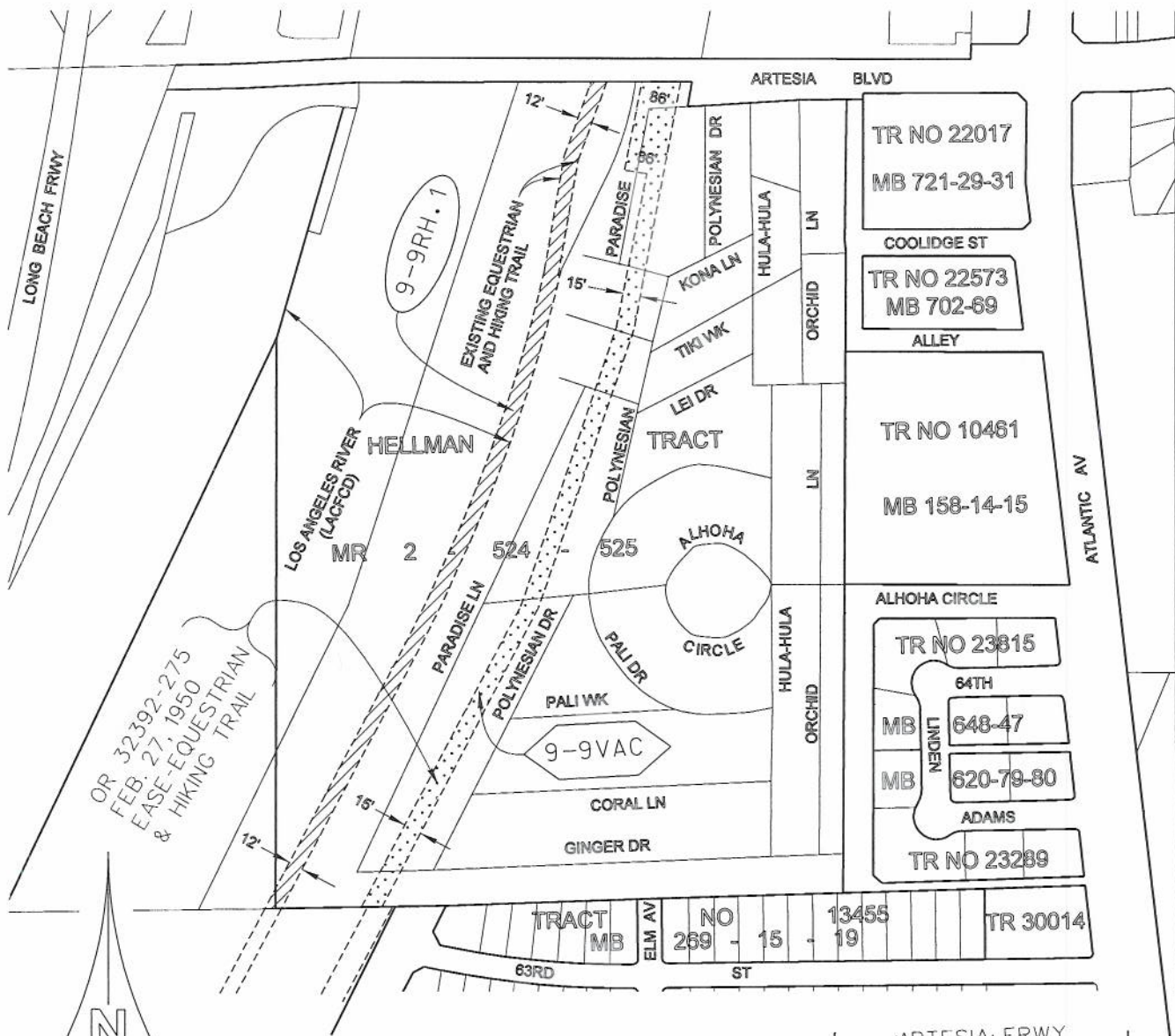
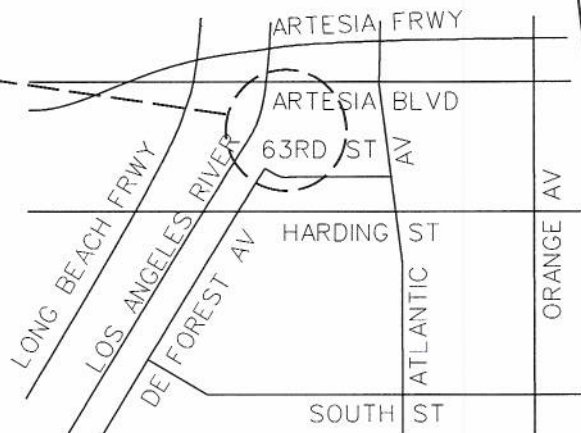


EXHIBIT B

SUBJECT LOCATION



WITHIN THE CITY OF LONG BEACH

LEGEND



Proposed equestrian and hiking trail to be dedicated
Total Area = 23,738± s.f.



Proposed equestrian and hiking trail to be vacated
Total Area = 35,380± s.f.

REVISIONS

1. 7-07-09

2.

3.

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD.
4

RD.

A.I.N.
7115-027-003

T.G.
735-D7
765-D1

SCALE
NONE

DATE
9-10-08

I.M.
054-217

TRAIL SOUTH OF
ARTESIA BOULEVARD

DRAWING NO.
M0988102